

REMARKS/ARGUMENT

This amendment is submitted under Rule 1.116 in response to the Final Office Action mailed July 14, 2006.

In that Office Action claims 8-11 and 20-32 were examined. Claims 8-11, 20-24 and 26-29 were rejected under the first paragraph of 35 U.S.C. 112 (paragraph 4 of the Office Action) as lacking enablement and claims 8-11 and 20-24 were rejected under the first paragraph of 35 U.S.C. 112 (paragraph 5 of the Office Action) as failing to satisfy the written description requirement.

Claims 25 and 30-32 were rejected solely under the second paragraph of 35 U.S.C. 112 (paragraph 6 of the Office Action) as being indefinite in using the term "TGR183." Claims 8-11, 20-24 and 26-29 also were embraced in this rejection.

Through the proffered amendments, applicants have focused claim 8 on the subject matter of claim 25. With the amendment to claim 8, claims 9-11 and 30-32 become the same, so claims 30-32 have also been cancelled. Additionally, applicants have eliminated the term "TGR183" from all of the now-pending claims, *i.e.*, claims 8(25) and 9-11. Finally, applicants have made some minor clarifying amendments to the method of claim 8. No new matter has been introduced by the amendments.

Applicants request entry of the amendments under Rule 1.116. The amendments reduce the number of pending claims and place the claims in better form for appeal by reducing the number of issues for any appeal. The amendments also address the indefiniteness rejection.

Claims 8-11, 20-24 and 26-29 stand rejected under the first paragraph of 35 U.S.C. 112 (paragraph 4 of the Office Action) as not satisfying the enablement requirement. This rejection is respectfully traversed.

The subject matter of prior claims 8-11, 20-24 and 26-29 is no longer pending. Claim 8 has been amended by incorporating the recitation of claim 25, a claim not embraced by the rejection. The rejection is no longer applicable.

Claims 8-11 and 20-24 stand rejected under the first paragraph of 35 U.S.C. 112

(paragraph 5 of the Office Action) as not satisfying the written description requirement. This rejection is respectfully traversed.

The subject matter of prior claims 8-11 and 20-24 is no longer pending. Claim 8 has been amended by incorporating the recitation of claim 25, a claim not embraced by the rejection. The rejection is no longer applicable.

Claims 8-11 and 20-32 stand rejected under the second paragraph of 35 U.S.C. 112 (paragraph 6 of the Office Action) as being indefinite. This rejection is respectfully traversed.

The term identified in the rejection as being indefinite is no longer recited in the claims. Instead, the polypeptide is specifically identified by its amino acid sequence, coupled with a recitation of its functional properties of having G-protein coupled receptor activity and being activated by nicotinic acid. This description is definite. The rejection is no longer applicable.

Applicants thus request entry of the amendments and reconsideration and allowance of the pending claims pursuant to Rule 1.116.

Respectfully submitted,

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By: 

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